

Court of Appeals, State of Michigan

ORDER

People of MI v Joseph Alberto Gentile

Docket No. 295570

LC No. 2007-218331-FH

Donald S. Owens
Presiding Judge

Patrick M. Meter

Stephen L. Borrello
Judges

On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as filed within the time limit set forth in MCR 7.205(F)(4) because appellate counsel's failure to file the delayed application within the deadline constituted ineffective assistance of counsel. See *People v Means*, 480 Mich 989 (2007); *People v McCoy*, 480 Mich 989 (2007); *People v Rodgers*, 480 Mich 989 (2007); and *People v Kipfer*, 480 Mich 990 (2007).

Attorney Rolf E. Berg (P26758) shall pay to the Clerk of this Court costs of \$250 within 21 days of the Clerk's certification of this order. This sanction is personal to the attorney and shall not be charged back to the county or the state.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 6 2010

Date

Sandra Schultz Mengel
Chief Clerk